

**NOTICE OF ADOPTION OF EMERGENCY REGULATIONS**  
**California Code of Regulations**  
**Title 15, Crime Prevention and Corrections**  
**Division 3, Department of Corrections**

**AUTHORITY:**

Under the authority established in Penal Code (PC) Section 5058, the Director of Corrections proposes to change Title 15 of the California Code of Regulations (CCR) by adopting regulations to incorporate into the Director's Rules procedures utilizing a progressive disciplinary system in response to inmates who test positive for drugs. In addition, these regulations define a range of escalating sanctions for continued drug abuse. These regulations were developed in response to federal mandates that the Department of Corrections utilize a progressive disciplinary system.

**REFERENCE:**

These regulations implement, interpret, and/or make specific PC Sections 5054; and Health and Safety Code (H&SC) Sections 11007 and 11014.5.

**PUBLIC HEARING:**

Date and Time:                      October 27, 1998                      at 9:00 a.m.

Place:                                      1416 Ninth Street  
    Department of Water Resources Auditorium  
    Sacramento, CA 95814

Purpose:                                      To receive comments about this action.

**PUBLIC COMMENT PERIOD:**

The public comment period will close October 27, 1998 at 5:00 p.m.. Any person may submit written comments about the proposed changes. To be considered by the Department, comments must be received at the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001, before the close of the comment period.

**CONTACT PERSON:**

Please direct any inquiries regarding this action to Bonnie Garibay, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001 or telephone (916) 358-2456.

**ASSESSMENTS, MANDATES, AND FISCAL IMPACT:**

The adoption of the amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

This action imposes no mandates on local agencies or school districts; no fiscal impact on State or local government, federal funding to the State, or private persons. It is also determined that the action does not affect small businesses nor have a significant adverse economic impact on businesses, small businesses, including the ability of California businesses to compete with businesses in other states, because they are not affected by the internal management of State prisons, or housing costs; and no costs or reimbursements to any local agency or school district within the meaning of Government Code Section 17561.

**DETERMINATION:**

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The text of the proposed regulation(s), the Initial Statement of Reasons and other related material are available upon request directed to the Department's contact person.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, the Department will make the full text of the changed regulation(s) available for at least 15 days before the date the regulation(s) is permanently adopted.

**INFORMATIVE DIGEST:**

CCR Section 3000 contains definitions of terms used throughout the Department's Title 15. The terms being added to CCR Section 3000 are controlled medication, controlled substance, distribution, and laboratory. These terms are defined for the specific purpose of establishing standardized definitions for continuity and clarity.

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for administration of prisons.

H&SC Section 11007 provides a definition for "controlled substances." A controlled substance "means a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058" of the H&SC.

H&SC Section 11014.5 provides a definition for "drug paraphernalia." "Drug paraphernalia means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division."

This action will:

- Incorporate into regulations a progressive disciplinary system in response to inmates who test positive for drugs.
- Incorporate into regulations escalating sanctions for continued drug use.
- Comply with the United States Department of Justice Violent Offender Incarceration/Truth-In Sentencing Incentive Grant Program Drug Testing Requirements.
- Qualify the Department of Corrections for prison construction funding.